

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION No 305 of 1989

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the Judgment ?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the Judgment ?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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PATEL MAVAJIBHAI KARASANBHAI  
VERSUS  
GUJARAT ELECTRICITY BOARD

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Appearance:

MR BN PATEL for the Petitioner  
MR MD PANDYA for the Respondents

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CORAM : MR JUSTICE S.K. KESHOTE  
Date of Decision : 12/06/2000

C.A.V. JUDGMENT

Heard the learned counsel for the parties.

2. On checking the installation of the electric connection bearing consumer No.AG 36 of the petitioner by the officer of the Board, a case of theft of electricity was detected and accordingly a supplementary bill which is called ABCD bill for 9111 units amounting to Rs.14,349-80 was raised.

3. The petitioner after depositing 20% thereof filed an appeal before the appellate authority. It is the grievance of the petitioner that the appellate authority has not decided the appeal on merits. Nonspeaking order has been passed and the copy of the order was not communicated. On the basis of the order of the appellate authority, the bill was raised for this very amount aforesaid. It is the further grievance that 20% which has been paid by the petitioner has also not been given set off in this bill. A draft amendment has been filed by the petitioner which is dated 15-2-1989 and therein it is very specifically stated that no formal order is made by the appellate authority in the appeal. It has also been stated that despite of writing of the letter by the petitioner through the advocate, the copy of the order passed by the appellate authority has not been given.

4. The respondents have not filed reply to the special civil application. In the facts of this case, the averments made by the petitioner in the draft amendment stand uncontroverted. The respondents have not produced on the record of this special civil application, the copy of the order passed by the appellate authority. It is also apparent from the bills issued after decision of the appellate authority, that 20% amount deposited by the petitioner has not been given set off.

5. So taking into consideration all these facts and circumstances, the interest of justice will be met in case this special civil application is disposed of in terms that the interim relief which has been granted by this court shall continue till the decision afresh made by the appellate authority on appeal of the petitioner after hearing the petitioner, if he so desire. This decision has to be taken within a period of two months from the date of receipt of writ of this order. It is expected of the appellate authority to pass a reasoned order and send a copy of the same to the petitioner by registered post A.D.. Still in case, the petitioner is not satisfied with the order of the appellate authority, liberty is granted to him for revival of this special civil application by filing a simple note. The special

civil application and Rule stand disposed of accordingly  
with no order as to costs.

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zgs/-